

Chapter 18

Placement & Post-Employment Services

18.1 Authority: 34 CFR 361.48(l); 34 CFR 361.48(o)

18.2 Policy

USOR policy requires, as appropriate to individual needs, provision of job placement assistance in achieving an employment outcome that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. Also referred to as the "Individual's Primary Employment Factors" (IPEF). [Ref: RSA-PD-97-4] USOR policy also requires that the employment outcome be in the most integrated setting possible consistent with the individual's informed choice. Job placement services are not subject to financial need or the availability of comparable services and benefits. The need for Post-Employment services will be assessed by the VR Counselor at the time of client record closure. Post-Employment services may or may not be subject to financial need and the availability of comparable services and benefits depending upon the specific service rendered.

18.3 Job Placement Services

USOR identifies job placement as a series of activities that occur during the VR process designed to bring about gainful employment consistent with the client's primary employment factors and informed choice. Accordingly, the following job placement activities or services may be provided based on individual client needs:

- A. Comprehensive Assessment of Rehabilitation Needs designed to identify the eligible individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and provide informed choice.
- B. Vocational Rehabilitation Counseling and guidance addressing the individual's understanding and adjustment to disability, understanding of employment skills including "soft-skills", interview skills, and understanding the labor market.
- C. Job placement strategies designed to address client needs related to employment preparation, job seeking skills, and job retention skills.
- D. Provision of employment readiness assessments prior to the initiation of job search activities, including assessment of job seeking and job retention skills, and other needs related to successful acquisition of employment.
- E. Utilization of structured follow-up process during job search activities to provide VR Counseling, support, job market information, and job placement assistance as necessary.
- F. Referral to partner agencies in Utah's one-stop workforce development system.
- G. Referral and use of Choose to Work Utah.
- H. Provision of Job Coaching, job placement, and supported employment for placement and retention services.
- I. Development of On-The-Job training opportunities.
- J. Provision of follow-up services during early stages of employment to provide support and insure that both client and employer are satisfied.
- K. Assess and document the need for post-employment services at closure.

18.4 Job Placement Responsibilities

Job Placement is an integral part of the IPE and a key component to successful vocational rehabilitation. Job Placement is the responsibility of the VR Counselor and client working in partnership through the counseling relationship. Other professionals may be brought into this partnership, as appropriate, including but not limited to DWS Employment Counselors, Choose to Work Employment Specialists, SE/SJBT Job Coaches, etc.

A. Client Responsibilities in Job Placement:

1. Develop realistic expectations about the labor market, employment, and career development.
2. Be cooperative, active, and fully participating job seeker.
3. Be punctual and keep commitments.
4. Obtain necessary job skills.
5. Follow through with appointments, interviews, assessments, etc.
6. Exhibit work appropriate behaviors.
7. Take ownership of and active role in job seeking activities.
8. Accept job offers consistent with the IPE, primary employment factors, and informed choice.

B. VR Counselor Responsibilities in Job Placement:

1. Assess job readiness realistically and address deficits with remedial training, counselor, or skills development.
2. Assist with job search activities including, as appropriate, direct job placement activities.
3. Provide VR Counseling and guidance regarding work attitudes, expectations, labor market information, behavioral issues, etc.
4. Make referrals to appropriate employers and/or other professionals who can assist with placement activities.
5. Teach job-seeking skills, job retention skills, resume writing, interviewing, etc.
6. Coordinate, communicate, and facilitate services arranged from partner professionals such as Job Coaches, Choose to Work Employment Specialists, DWS Employment Counselors, etc.
7. Motivate client to take ownership of, and active role in job seeking activities.
8. Support client's to retain newly accepted employment by communicating and assessing the need for additional support and/or Post-Employment services.

18.5 Assessing Job Readiness

Job readiness is the crucial factor in the success of job placement activities. VR Counselors utilize their professional skills and experience to assess each client's readiness for job placement activities and addresses deficiencies with remedial skills training and development prior to engaging in job placement activities. Research indicates that five general factors can be assessed to determine client job readiness. The five factors include:

A. Attitudes:

1. Does the client have realistic expectations about employment, the labor market, and career development?
2. Does the client have realistic expectations of salary and benefit packages?
3. Is the client motivated to enter, retain, or engage in employment?

4. Is the client realistic in their expectations of working conditions, potential work schedules, possible relocation needs consistent with their vocational goal?
 5. Is the client dependable, stable, and engaged in their employment plan?
 6. Is the client cooperative and do they have the “soft-skills” to be successful in the workplace?
 7. Are they truly available and ready to engage in job searching activities and employment?
- B. Skills, Education & Experience:
1. Does the client have the necessary technical skills, knowledge, or experience that typical employers seek?
 2. Does the client have adequate training and/or education to compete in the labor market?
 3. Does the client need therapeutic or remedial skills development in order to accept supervision, work with other people, or cope with workplace stress?
 4. Does the client have a work history? What transferrable skills can they use in other jobs? What issues were encountered in past employment that may need to be addressed prior to job placement?
 5. Does the client have a realistic understanding of job seeking skills like applying for jobs, introducing themselves to potential employers, resume writing skills, interview skills, and follow-up skills?
- C. Physical Factors:
1. Is the client physically able to perform the essential functions of the job?
 2. What restoration might remediate these physical limitations?
 3. Does the client have reliable transportation to get to and from interviews and work?
 4. Does the client have an awareness and understanding of their disability and the limitations it may impose?
- D. Psychological Factors:
1. Does the client have an awareness and understanding of their disability?
 2. Is the client stabilized to the point of being able to deal with work stressors?
 3. Is the client able to react to supervisors and co-workers in an appropriate manner?
 4. Does the client have the social skills and coping skills necessary for successful employment?
 5. Are there any unaddressed substance use issues or personality issues that may threaten successful employment?
- E. Personal Factors:
1. Does the client have other needs that, if unaddressed, would threaten employment?
 2. Do they have the ability to address child care needs?
 3. Do they have a support system developed that makes employment a priority?
 4. Does the client have suitable clothing for interviews and work?
 5. Does the client have hygiene or behavioral issues that need to be addressed?
 6. Is the client aware of the effects that employment may have on other benefit programs they may be depending upon? How prepared are they to potentially lose SSI/SSDI, food stamps, housing subsidies, Medicaid, etc.?
 7. Does the client have reliable transportation to engage in job search and employment?

18.6 Utah Department of Workforce Services

As a partner in the statewide Workforce Investment System, USOR has cooperative agreements with other entities that make up the "One-stop" system. One such cooperative agreement includes the Utah Department of Workforce Services (DWS) and the Utah State Office of Rehabilitation (USOR). This cooperative agreement facilitates coordinated and non-duplicative services between DWS and USOR. In addition DWS and USOR partner in the Choose to Work Project to assist individuals with disabilities in obtaining employment. Participants receive individualized job development, benefits counseling, support services, placement and follow-up services. Contact local CTW Employment Specialist for specific referral information.

18.7 Employment Outcome

Employment outcome means entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated setting to the greatest extent practicable; supported employment; or any other type of employment that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. USOR defines competitive employment as work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled. [34 CFR 361.5(b)(11)] USOR is required to document that an individual determined to be rehabilitated (Status 26), has achieved and maintained employment consistent with the IPE for at least 90 days. [34 CFR 361.56(b)] The Criteria for determining a satisfactory employment outcome includes:

- A. An occupation may be considered satisfactory when, after a reasonable adjustment period (no less than ninety days following hire) it has been confirmed that the following conditions have been met insofar as possible:
 - 1. Both the client and employer are satisfied.
 - 2. The client is maintaining adequate interpersonal relationships and acceptable behavior in the job environment.
 - 3. The occupation is consistent with the client's primary employment factors and informed choice. (In this respect it should be understood that a client may elect to go to work in a setting somewhat at variance with recommendations and that if the client has been alerted to such variance of opinion and still chooses an un-recommended occupation, the job may be considered satisfactory.
 - 4. The client possesses acceptable skills to perform or continue the work satisfactorily.
 - 5. The employment and working conditions will not aggravate the client's disability, and the client's disability in the job situation will not jeopardize the health or safety of himself or others.
 - 6. The employment is regular, reasonably permanent, and the client receives a wage commensurate with that paid others for similar work under legal requirements. (It is recognized that some placements would be satisfactory under sheltered conditions or with modified wages, such as is provided for by sub-minimum wage certifications prepared by VR agencies under the Fair Labor Standards Act.)
- B. Exceptions/Special Conditions.

In some situations, a case may be considered satisfactorily placed if some of the conditions are not completely apparent. For example, the client may desire to accept or remain on a job which, in the opinion of the VR Counselor, is not compatible with his/her physical capacities or his/her mental and educational abilities, or is not sufficiently permanent to assure his/her continued self-support. Good counseling recognizes the client's right to make such choices. The VR Counselor's obligation is to help clients understand their own situations, to give them adequate information upon which to base decisions, and to encourage them to pursue the most satisfying plan and objective. However, when a client accepts a job which fails to meet one or more the criteria of being satisfactory, the VR Counselor would assure that:

1. Explanation has been given to the client concerning the inappropriate aspects of the job.
2. The client has exercised informed choice in light of all the facts.
3. The client has been informed, in the event the job does not prove satisfactory or the need arises for further services, he/she may reapply for vocational rehabilitation services.

The client record should clearly indicate the justification for closing the case under these exceptional circumstances, including alternatives which were considered.

C. Armed Services.

Clients who are accepted for the Armed Services can be considered as satisfactorily placed.

D. Criteria for Non-Competitive Employment.

Generally the primary objective would be directed toward a goal of competitive employment, including self-employment. In some cases, however, a non-competitive occupation such as homemaking or unpaid family worker may be the most appropriate vocational objective. Consult **CSM 2012-03** for guidance and policy on Homemaker closures.

E. Institutions.

Persons who are in medical or training institutions (e.g. the State Training School) and whose disabilities are chronic may become candidates for vocational rehabilitation services with employment opportunities being developed in the institution, sheltered workshop, or local businesses. Some individuals, because of social problems or for therapeutic reasons, may be more suitably employed in, rather than outside, an institution and the work may be part of an institutional plan. These work plans are generally the responsibility of the institution; however, if vocational rehabilitation services are needed and are provided to individuals to enable them to obtain, retain, or prepare for this type of employment because it is consistent with their capacities, abilities, etc. rehabilitation closures may be taken when the rehabilitation services result in gainful employment. This means that wages or maintenance is earned, or fees for institutionalization are significantly reduced. One distinguishing factor should be that the employment reflects an adjustment of the individual under an IPE in contrast to therapy only. Although continued residence in an institution and a degree of dependence on some of its services (such as clinical counseling, protection, treatment and supervision) may preclude the probability of complete economic and social independence, the attainment of the best possible degree of self-sufficiency attributable to vocational rehabilitation services may justify a satisfactory placement goal.

F. Correctional Institutions.

Individuals in correctional institutions should not be considered to be rehabilitated until (a) they have been released from the institution and placed in employment in the community,

or (b) they have been placed in a work release program. If rehabilitation services are successful only to the extent of enabling a disabled incarcerated public offender to become employed within the correctional setting, such as in prison industry, the requirements of an employment outcome are not met. It is often difficult to predict a release date from the institution, and thus some flexibility should be exercised in attempting to synchronize the completion of a vocational rehabilitation program with a projected release date. As in all cases, the rehabilitation plan should provide for a continuum of services.

G. Extend Employment in Facilities.

Employment in a sheltered environment is not considered an allowable employment outcome. 34 CFR 361.5(b)(16)

18.8 Post-Employment Services

USOR is required to assess the expected need for post-employment services after an appropriate employment outcome has been achieved. Post-employment services are provided after clients have been determined to be rehabilitated (Status 26), to assist those in need of such services to maintain or regain other satisfactory employment outcomes. There shall be an understanding between the VR Counselor and client that when post-employment services are provided, the vocational rehabilitation program cannot and should not be looked up to provide all such services over the individual's entire career. VR Counselors should assist clients in understanding the expected durability of AT and other tangible items needed for their employment, and help them develop a plan for replacing such items from wages as the need arises in the future.

When Post-Employment services are needed, a carefully planned course of action developed jointly by the VR Counselor and client is required. This includes projecting a point in time when the goal of self-sufficiency and job stability is expected to be achieved, any continuing use of available comparable services and benefits supported by other resources, and the individual's own resources. Post-employment services will be the inclusive term for all services provided after clients have been determined to be rehabilitated, without distinctions or definitions for follow-up, follow-along and other post-employment services. This definition, however, should not be confused with extended services described in [34 CFR 363.6(c)(2)(iv)] concerning placement in supported employment.

18.9 Scope & Duration of Post-Employment Services

Post-employment services include any vocational rehabilitation services or combination of services necessary to assist the individual in maintaining employment. The service or several services should not entail a complex or comprehensive rehabilitation effort unrelated to the original IPE. Post-employment services should not be construed to mean a complete rehabilitation process. If comprehensive services are indicated, a new evaluation and determination of eligibility shall be made. If eligible, the case shall be re-opened and a new IPE initiated. Post-employment services are intended to be responsive to various previously identified, emergent, or persisting problems and to supplement the substantial services provided prior to a determination as rehabilitated (Status 26).

Federal regulations prohibit the setting of durational limits on the provisions of post-employment services. The duration of post-employment services shall be determined on an individual basis. Services may include a one-time service or a combination of services provided over a period of time.

18.10 Criteria for Providing Post-Employment Services

The need for post-employment services should be identified as soon as possible in order to insure that previous data and rehabilitation efforts have not lost relevancy and significance for the provision of post-employment services. When individuals have not been provided services for over one year, careful reassessments shall be made to determine the exact nature of services needed and whether or not post-employment services are appropriate. In order to receive Post-Employment services:

- A. The individual must have been determined to be rehabilitated (Closed status 26).
- B. Post-employment services are necessary to assist the individual in maintaining employment; and
- C. The solution of the issue does not entail a complex or comprehensive rehabilitation effort, i.e., a new and distinct problem has not arisen which may be handled more appropriately as a new case under a new determination of eligibility and a new IPE.

18.11 Other Considerations for Post-Employment Services

- A. Financial Need: A financial need determination is required in establishing eligibility for post-employment services due to the client's employed status. The procedure followed shall be the same as that utilized for regular rehabilitation services.
- B. Comparable Services & Benefits: Post-Employment services are subject to the availability and utilization of comparable services and benefits. Procedures and requirements are identical to those outlined for regular VR services. (See Chapter 16)
- C. Acute Conditions: Expenditure for medical care for acute conditions under post-employment services is not allowed. Acute conditions should, however, be carefully distinguished from exacerbations or recurring problems of existing slowly progressive or stabilized conditions, some of which may have been predicted in the IPE such as genitourinary infections and pressure sores related to paraplegia, or care for stabilization of diabetes.
- D. Upgrading: Post-employment services should not be provided simply to upgrade an individual's financial status. However, post-employment services may be provided to assist an individual to achieve an employment outcome that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, especially where a determination as rehabilitated was based on employment which was appropriate at the time, but may now be less than such. In such cases the vocational goal should be:
 - 1. More apt to maintain the individual in employment;
 - 2. Closely related to the existing job and does not entail an extended training period and change of occupation, i.e., has a relatively simple solution and
 - 3. Likely to significantly improve the level of independence resulting either in a substantial reduction or termination of post-employment services.

18.12 Post-Employment Procedure

Not all successfully rehabilitated individuals will need or should be provided post-employment services. The need for Post-Employment services should be individually assessed and based on VR Counselor professional judgment. In all instances, individuals must be informed as part of the "determination as rehabilitated" process that:

- A. They may be eligible to receive necessary post-employment services;
- B. There is a purpose, scope, and needed plan for such post-employment actions; and
- C. They should get in touch with the VR Counselor, especially during the first year following the determination as rehabilitated, before leaving their job, if any problems arise jeopardizing their job.

Some post-employment services required by a particular individual to maintain his/her employment may not fall within the scope of vocational rehabilitation services. This might include an attendant or homemaker to assist the individual dress, prepare meals and do other tasks in the home which the individual cannot do alone. While rehabilitation cannot provide continuing attendant or homemaker services, specific arrangements for obtaining such services could be included in the post-employment program for that individual utilizing other agencies and resources, including those of the individual.

There must be sufficient documentation in the client record to justify the need for post-employment services and to explain why such services are necessary to maintain the individual in employment. When post-employment services are contemplated, entries must be made of the present employment situation and any new factors cited which would be significant in determining whether to provide post-employment services or to treat as a new case. In developing this summary duplication of existing information in the client record should be avoided except for references to the appropriate data.

An amendment to the IPE developed and maintained under the same principles of client involvement is required. It should contain descriptions of the type and extent of services planned and how they will be provided. Specific objectives should be identified. Notations should be made at significant times during the process including assessments of progress and at the conclusion or termination of services indicating the results.

A. Process

- 1. Case originally closed in Status 26.
- 2. Additional services are necessary for client to maintain or regain other employment consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
- 3. Services to be rendered are not a new, complex, or comprehensive rehabilitation effort.
- 4. Not to be used for upgrading employment.
- 5. Post-employment services may be appropriate any time after the case has been closed in Status 26. This is a professional judgment made by each VR Counselor. It

is realistic to assume, however, that a one year limit would be appropriate. This is consistent with USOR policy on re-opening cases. (See Chapter 3)

B. Register the client in Status 32.

When registering a case in Status 32 (Post-employment) in the same statistical year that the client record was closed, the 911 can be filled in with the information taken from the previous closure 911 with the exception of the closure status and date fields which are left blank. When registering a case in Status 32 in a different statistical year, the VR Counselor must re-enter most of the 911 information, using the information on the closure 911 of the original client record. In both instances, the client record will be assigned a new client number. See Chapter 16 for detailed instructions on completing the 911 screen.

C. Closing Case from Status 32.

The decision to terminate Post-Employment services should be made on an individual basis in consultation with the individual and recorded in the amended IPE. The VR Counselor will need to work with the individual to achieve a satisfactory level of self-sufficiency independent of the post-employment support. In making such decisions, the following factors should be taken into account:

- A. Satisfactory remediation of the precipitating problem requiring post-employment services;
- B. Attainment of sufficient independence to function without continuing post-employment services, or a VR Counselor's professional judgment to discontinue services;
- C. Employment appears secure as determined by continuing satisfactory work performance, job satisfaction, and acceptance in the particular employment setting with respect to employee benefits, and opportunities for job advancement;
- D. Employment continues at a level consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice

When closing a case from status 32 the following options are available:

- Status 33:** If the VR Counselor provides Status 32 services and the client successfully maintains the employment at which he/she was previously closed or regains other suitable employment.
- Status 35:** If events occur that require a new plan to be written and the VR Counselor determines the client's case should be re-opened, then close the Status 32 case in Status 35 and prepare a new application, 911, etc.
- Status 37:** If the VR Counselor provides Status 32 services, and events occur to cause an unsuccessful case termination such as death of client, long-term institutionalization or client is not available for additional rehabilitation efforts, proceed to close the Status 32 case in Status 37.

The current closure date and closure status will then be filled in to indicate the results of the time spent in status 32.